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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,973	10/05/2001	Kimberly K. Read	10013080-1	3215

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EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/970,973

Applicant(s)

READ, KIMBERLY K.

Examiner

Gregory J. Vaughn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Application History*

1. This action is responsive to the application filing, Application filed on 10/5/2001.
2. Claims 1-12 are pending in the case, claims 1 and 8 are independent claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

4. Claims 1, 4, 5, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al. US Patent Application Publication 2003/0028399, filed 9/24/2001, published 2/6/2003 (hereinafter Davis).
5. **Regarding independent claim 1**, Davis anticipates the preamble. Davis recites:  
*"FIG. 2 shows an embodiment of an internet web page 50 that is a part of the Patient's Module in accordance with the present invention. Referenced by the trademark "Personal Medpage.TM., this portion of the Patient's Module 30 consists*

*of a data driven web page 50 constructed for and customized to a specific patient"*  
(page 5, paragraph 86).

Regarding the first limitation to the claim, Davis discloses a screen for receiving attribute category information in Figure 20 at reference signs 240 (where the category is shown as *"Pager/PCS Phone Carriers"*). Regarding the second limitation to the claim, Davis discloses a screen for receiving attribute group information in Figure 21 at reference sign 302 (where the group is shown as *"Information for email templates, message notification and electronic consultations"*). Regarding the third limitation of the claim, Davis discloses receiving attribute information in Figure 23 at reference sign 342 (shown as attributes *"Blood Pressure"*, *"FOSAMAX"* for the group *"Preferences"*).

Regarding the fourth limitation to the claim, Davis discloses receiving attribute to attribute group association information in Figure 26 at reference sign 408 (shown as the *"Disease State"* category which is associated by the user to the pull down list box shown to the right of the category name). Regarding the fifth limitation to the claim, Davis discloses a data driven web in Figure 2.

6. **Regarding dependent claims 4 and 5**, the claims are rejected for fully incorporating the deficiencies of their base claims.
7. **Regarding independent claim 8**, the claim is directed toward a computer system for the method of claim 1, and is rejected using the same rationale.

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8. **Regarding dependent claims 9 and 10**, the claims are rejected for fully incorporating the deficiencies of their base claims.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis.
11. **Regarding dependent claim 2**, Davis discloses a data driven web page with four screens with a first screen for receiving attribute category information attribute as described above. Davis fails to disclose the first screen receiving a column specification. However, Davis discloses a screen related to the first screen that receives the column specification, in figure 27 at reference sign 407b (the right hand column receives the specification).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to use a column specification for the attribute category information, in order to produce a *"web-based (web page) interface provides the*

*patient with a customized and personalized web page*" (Davis, page 9, paragraph 107).

12. Claims 3, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in View of Gorman et al. US Patent Application Publication 2003/0023641, filed 7/27/2001, published 1/30/2003 (hereinafter Gorman).

13. **Regarding dependent claim 3**, Davis discloses a data driven web page with four screens with a first screen for receiving attribute category information attribute as described above. Davis fails to disclose a column specification that includes the number of columns and column orientation. Gorman discloses a column specification that includes the number of columns and column orientation. Gorman discloses in Figure 2 at reference sign 204 a column specification (shown as "Column") and a column orientation (shown as "Column Span").

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine the data driven web page of Davis with the column specification as taught by Gorman to *"permit non-programmers to create complex input forms without learning web development programming languages"* (Gorman, Page 1, paragraph 10)

14. **Regarding dependent claim 7**, Davis discloses a data driven web page with four screens that receive attribute-to-attribute group associations as described above. Davis fails to disclose the information as group, attribute, attribute order and default value. Gorman discloses the information as group, (shown in Figure 2 at

reference sign 102 as "*Shape*"), attribute (shown in Figure 2 reference sign 206 as "*Circle*"), attribute order (shown in Figure 2 at reference sign 204 as "*row*") and default value (shown in Figure 7 at reference sign 208 as "*Value – The Default Value*").

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine the data driven web page of Davis with the group association information as taught by Gorman to "*permit non-programmers to create complex input forms without learning web development programming languages*" (Gorman, Page 1, paragraph 10)

15. **Regarding dependent claim 12**, the claim is directed toward a computer system for the method of claim 7, and is rejected using the same rationale.
16. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in View of Schaefer et al. US Patent Application Publication 2001/0052022, filed 4/10/2001, published 12/13/2001 (hereinafter Schaefer).
17. **Regarding dependent claim 6**, Davis discloses a data driven web page with four screens that receive attribute information as described above. Davis fails to disclose the attribute information as attribute ID, attribute type and attribute name. Schaefer discloses attribute information as attribute ID, attribute type and attribute name. Schaefer discloses in Figure 9 the structure of a referenced attribute with a ID, type and name (shown as "*Picture*" under the "*Attribute*" heading).



Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine the data driven web page of Davis with the attribute information as taught by Schaefer so that "Information should be presented in a unified way, so that control of the system becomes intuitively soon" (Scheafer, Page 1, paragraph 3).

18. **Regarding dependent claim 11**, the claim is directed toward a computer system for the method of claim 6, and is rejected using the same rationale.

### ***Conclusion***

19. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/ Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-5,911,145	06-1999	Arora et al.
• US-6,011,537	01-2000	Slotznick, Benjamin
• US-6,510,468	01-2003	Hayne, Mark N.
• US-6,771,291	08-2004	DiStefano, III, Thomas L.
• US-2003/0004993	01-2003	Templeton et al.
• US-2003/0005159	01-2003	Kumhyr, David Bruce
• US-2003/0051226	03-2003	Zimmer et al.
• US-2004/0039795	02-2004	Percival, John Nicholas


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
August 9, 2004

  
**STEPHEN S. HONG**  
**PRIMARY EXAMINER**